

Docket No: 10738-43

PATENT

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label #: EV 507548550 US

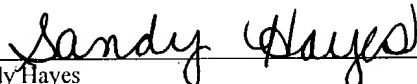
Date of Deposit: October 28, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition; Commissioner for Patents; P.O. Box 1450; Alexandria, VA, 22313-1450.

RECEIVED

OCT 28 2004

OFFICE OF PETITIONS


Sandy Hayes

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Small, Kersten M., et al.

Serial No.: 09/692,077

Group Art Unit: 1634

Filed: October 19, 2000

Examiner: D. B. Johannsen

For: **Alpha-2B-Adrenergic Receptor Polymorphisms**

**REQUEST FOR WITHDRAWAL OF NOTICE OF
ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

The Notice of Abandonment dated September 22, 2004 (copy enclosed) indicates that the above-referenced application was improperly deemed abandoned for failure to timely file a proper reply to the Office Action mailed on March 11, 2004. The Examiner indicates that no reply had been received. The Examiner further indicates that a call was placed on September 15 requesting the status of the application, though Applicants have no record of such a call having been received.

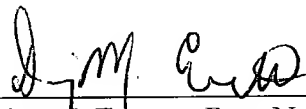
Applicants submit this request for withdrawal of the Notice of Abandonment on the grounds that a proper reply was in fact sent and received in a timely fashion, as evidenced by the attached copy of the Return Receipt postcard and a billing record indicating that the

Applicant's Visa Account was debited for the Amendment and late fee associated with filing the reply-at-issue.

The Return postcard clearly indicates that the reply was deposited into the mail on September 13, 2004, and that the Patent and Trademark Office received the reply on September 16, 2004. Please note that September 11 fell on a Saturday and the reply was therefore timely filed on the following Monday, September 13. The billing information includes a copy of the Visa account transaction history during the time period involved and Applicants' draw attention to the withdrawal of \$490 made on September 22, 2004 for the client and matter number corresponding to the reply-at-issue.

Upon withdrawal of the Notice of Abandonment, Applicants respectfully ask that prosecution on the merits be resumed. Any outstanding deficiency or overpayment in connection with the present communication and/or prosecution of Application Serial No. 09/692,077 should be charged or credited to Deposit Account No. 04-1133.

Respectfully submitted,



Denise M. Everett, Reg. No. 47,552
Attorney for Applicants
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8787



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 27 '04

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,077	10/19/2000	Kersten M. Small	13105	6315

7590 09/22/2004

Holly D. Kozlowski
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202

EXAMINER

JOHANNSSEN, DIANA B

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DATE RECEIVED: 9-28-04
ACTION:
DUE DATE:
DOCKETED: *lf*
ED. NUMBER: 10735-43

Notice of Abandonment

Application No.

09/692,077

Examiner

Diana B. Johannsen

Applicant(s)

SMALL ET AL.

Art Unit

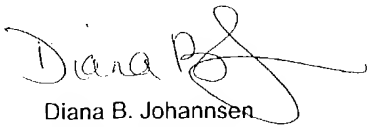
1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 March 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

It is noted that the examiner contacted applicant's representative by telephone on September 15, 2004 to confirm the status of the application; however, the examiner's call was not returned.


Diana B. Johannsen
Primary Examiner
September 20, 2004

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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OCT 28 2004

OFFICE OF PETITIONS

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SEP 24 '04

SERIAL NO: 09/692,077

TITLE: Alpha-2B Adrenergic Receptor Polymorphisms

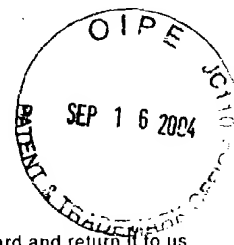
APPLICANT: Kersten M. Small et al.

DOCUMENTS FILED: Amendment Transmittal; Amendment;
Request for Extension of Time (3 months); Form PTO-2038 Visa
Charge Account (\$490.00); and Return Receipt Postcard.

DME/rf

10738-43

September 13, 2004



Please place the official stamp of the Patent and Trademark Office on this card and return it to us for our files to constitute an acknowledgement by the PTO of receipt on the date stamped of the above identified paper.

* Payment is called in over the phone. *

DINSMORE & SHOHL LLP CHECK REQUEST and INVOICE PAYMENT FORM																					
Name of Attorney / Requester (please print): Sandy Hayes		Date: September 28, 2004																			
Type of Check (choose one) <input type="checkbox"/> Emergency (on demand) <input checked="" type="checkbox"/> Daily Check Run (checks available daily at 11am and 4pm for pick up) <input type="checkbox"/> Accounts Payable - Please attach invoice (2-3 weeks ~ accounting will mail) <input type="checkbox"/> IOLTA (checks available with daily check run-please provide client # below)		Amount: \$12,670.00 Tax I.D. #: Any additional info or instructions: 4798 1726 0205 5563																			
Payable to: (include address) U.S. Bank P.O. Box 790408 St. Louis, MO 63179-0408		<div style="text-align: center;"> RECEIVED OCT 28 2004 OFFICE OF PETITIONS </div> If questions, please contact: Sandy Hayes, X. 8478																			
For: (please describe) To replenish Visa account																					
Attorney / Requester Signature:		Employee Number: 4749																			
Billing Information (Choose from either Client Type or Department Type)																					
Client Type (Choose Client, PEAR or Associate Client Development)																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; padding: 5px;">Client #</td> <td style="width: 25%; padding: 5px;">See Attached Patent & Trademark Matters</td> <td style="width: 20%; padding: 5px;">Amount</td> <td style="width: 10%; padding: 5px;">\$</td> <td style="width: 30%; padding: 5px;">Associate Client Development</td> <td style="width: 10%; padding: 5px;">\$</td> </tr> <tr> <td style="padding: 5px;">Client #</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">Amount</td> <td style="padding: 5px;">\$</td> <td style="padding: 5px;">PEAR</td> <td style="padding: 5px;">\$</td> </tr> <tr> <td style="padding: 5px;">Client #</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">Amount</td> <td style="padding: 5px;">\$</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> </table>	Client #	See Attached Patent & Trademark Matters	Amount	\$	Associate Client Development	\$	Client #		Amount	\$	PEAR	\$	Client #		Amount	\$					
Client #	See Attached Patent & Trademark Matters	Amount	\$	Associate Client Development	\$																
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Department Type (Choose one from either Office or Attorney Practice Group)																					
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Office <input type="checkbox"/> Accounting (ACTG) <input type="checkbox"/> Associate Evaluation Committee (EVAL) <input type="checkbox"/> Benefits (BENE) <input type="checkbox"/> DinsNet (TECH) <input type="checkbox"/> Education Committee (EDUC) <input type="checkbox"/> General Firm (FIRM) <input type="checkbox"/> Firm Insurance (INS) <input type="checkbox"/> General Management Committee (GMC) </div> <div style="width: 48%;"> <input type="checkbox"/> Library (LIBR) <input type="checkbox"/> Marketing (MKTG) <input type="checkbox"/> Mercantile (MERC) <input type="checkbox"/> Paralegals (PARA) <input type="checkbox"/> Partner / Associate Committee (COMM) <input type="checkbox"/> Personnel (HR) <input type="checkbox"/> Recruiting (REC) <input type="checkbox"/> Systems (SYS) </div> </div>																					
Attorney Practice Group <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> 15th Floor Litigation (FCW) <input type="checkbox"/> ALFA (ALFA) <input type="checkbox"/> Banking & Financial Institutions (FIN) <input type="checkbox"/> Business Competition (COMP) <input type="checkbox"/> Compensation & Benefits (ERIS) <input type="checkbox"/> Emerging Technologies (ETCH) <input type="checkbox"/> Employment Law Alliance (ELA) <input type="checkbox"/> Energy & Mineral (ENER) <input type="checkbox"/> Environmental (ENV) <input type="checkbox"/> Family Wealth Planning (FWLP) <input type="checkbox"/> Franchise & Distribution (FRAN) </div> <div style="width: 48%;"> <input type="checkbox"/> General Corporate (COR) <input type="checkbox"/> General Labor (LAB) <input type="checkbox"/> General Litigation (LIT) <input type="checkbox"/> Immigration (IMM) <input type="checkbox"/> Intellectual Property (IP) <input type="checkbox"/> Mass Tort / Class Action (TORT) <input type="checkbox"/> Media & First Amendment Law (MEDI) <input type="checkbox"/> Real Estate (RE) <input type="checkbox"/> Trademark & Copyright (TRMK) <input type="checkbox"/> Workers' Compensation (WC) <input type="checkbox"/> Workout, Bankruptcy, Corp. Finance (BANK) </div> </div>																					

DINSMORE & SHOHL
CHECK REQUEST

Date: September 28, 2004

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For: Replenishment of Visa Account

\$ 605.00	25401-35	(Brann Patentbyra)	U. S. Patent Application No. 10/507873 - transmittal to the US Designated/Elected Office concerning a filing.
\$ 150.00	25466-4	(First Group USA, Inc.)	U. S. Trademark Application No. 78/221702 - FIRST SERVICES - extension request.
\$ 150.00	25466-4	(First Group USA, Inc.)	U. S. Trademark Application No. 78/221700 - FIRST SERVICES - extension request.
\$ 40.00	32475-1	(Sekuworks, LLC)	U. S. Patent Application No. 60/367906 - recordal of assignment.
\$ 1,630.00	2098-112	(Clopay Corp.)	U. S. Patent Application No. 10/373256 - issue and publication fee.
\$ 856.00	9116-751	(P & G)	U. S. Patent Application No. 10/943114 - non-provisional patent application filing fee.
\$ 335.00	9110-315	(P & G)	U. S. Trademark Application No. 78/486711 - MINT & REFRESH - application for registration.
\$ 249.00	9271-14	(Aluta, Inc.)	U. S. Patent Application No. 29/198057 - design issue fee & printed copy of patent.
\$ 100.00	31160-2	(Bluegrass Cellular, Inc.)	U. S. Trademark Application No. 78/286667 - FAMILY PAC - statement of use filing fee.
\$ 100.00	29334-7	(Gen-X Sports Sarl)	U. S. Trademark Application No. 78/287188 - TOMMY ARMOUR - request to divide application.
\$ 65.00	24793-47	(Bergenstrahle & Lindvall)	U. S. Patent Application No. 10/847254 - response to notice to file missing parts.
\$ 40.00	24793-47	(Bergenstrahle & Lindvall)	U. S. Patent Application No. 10/847254 -assignment recordation.
\$ 490.00	10738-43	(University of Cinti)	U. S. Patent Application No. 09/692077 -- amendment; 3 month extension.

\$ 1,005.00 9110-315 (P & G) U. S. Trademark Application No. 78/483728 -SCENTSTPRIES IS THE CLOSEST THING TO BEING THERE - application for registration.

\$ 950.00 10936-36A (Nishikawa) U. S. Patent Application No. 10/190995- amendment; request for 3-month extension of time.

\$ 770.00 9116-737 (P & G) U. S. Patent Application No. 09/743933 - request for continued examination fee.

\$ 335.00 26893-1 (Paul T. Healy, Sr.) U. S. Trademark Application No. 78/484130 - AUCTIONOPOLY - application for registration.

\$ 335.00 26893-1 (Paul T. Healy Sr.) U. S. Trademark Application No. 78/484149 - AUCTIONOPOLY - application for registration.

\$ 130.00 27735-26 (Honda R & D Americas) U. S. Patent Application No. 10/894488 - response to notice to file missing parts of nonprovisional application.

\$ 100.00 9271-15 (Aluta, Inc.) U. S. Trademark Application No. 78/290161 - EZFOAM - statement of use filing fee.

\$ 100.00 9271-15 (Aluta, Inc.) U. S. Trademark Application No. 778/290175 - EZFOAM - statement of use filing fee.

\$ 100.00 9253-24 (Dee Zee Inc.) U. S. Trademark Application No. 78/255292 - PERFORMANCE IMPORT TRENDS - statement of use filing fee.

\$ 100.00 9253-24 (Dee Zee Inc.) U. S. Trademark Application No. 78/255306 - PERFORMANCE IMPORT TRENDS - statement of use filing fee.

\$ 100.00 9253-24 (Dee Zee Inc.) U. S. Trademark Application No. 78/255316 - PERFORMANCE IMPORT TRENDS - statement of use filing fee.

\$ 100.00 25466-4 (First Group America, Inc.) U. S. Trademark Application No. 78/274980 - FIRSTBASE.INFO - statement of use filing fee.

\$ 80.00 24793-48 (Bergenstrahle & Lindvall) U. S. Patent Application No. 60/609740 - provisional patent application filing fee.

\$ 1, 630.00 11015-30 (Balluff, Inc.) U. S. Patent Application No. 10/172885 - payment of issue and publication fees.

\$ 860.00 10738-37 (University of Cinti) U. S. Patent Application No. 10/506935 - IPEA - U. S. & Oath or declaration.


\$ 160.00 10738-58. (University of Cinti) U. S. Patent
Application No. 60/608764 - provisional patent
application.

\$ 335.00 9416-4 (CBOCS General Partnership) U. S. Trademark
Application No. 78/482327 - Momma's PANCAKE
BREAKFAST - application for registration.

\$ 335.00 9416-4 (CBOCS General Partnership) U. S. Trademark
Application No. 78/482339 - SMOKEHOUSE BREAKFAST -
application for registration.

\$ 335.00 9416-4 (CBOCS General Partnership) U. S. Trademark
Application No. 78/482333 - MOMMA'S FRENCH TOAST
BREAKFAST - application for registration.

Approved By:


Holly D. Kozlowski

(897560)



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Tuesday, September 28, 2004

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► US BANK-CONVERSION LOCATION
NO ANNUAL FEE VISA BUSINESS CARD
Account Ending in 5563

OUTSTANDING BALANCE	AVAILABLE CREDIT
\$12,520.00	\$51,585.00
MINIMUM PAYMENT DUE	NEXT PAYMENT DATE
\$71.00	10/12/2004

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 **Download transaction data for this Account**

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- Select date range
- Activity since last statement
- Most recent statement history
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Start Date	End Date
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September	28	2004
September	28	2004

(Up to six months of account transaction history is available.)

Get History

Transactions

DATE	DESCRIPTION	CREDIT	CHARGE
09/27/2004	US PATENT//TRADEMARK OF 703-3085068 VA		\$605.00/0.00
09/27/2004	US PATENT//TRADEMARK OF ARLINGTON VA		\$150.00/0.00
09/27/2004	US PATENT//TRADEMARK OF ARLINGTON VA		\$150.00/0.00
09/27/2004	US PATENT//TRADEMARK OF ARLINGTON VA		\$40.00/0.00
09/24/2004	US PATENT//TRADEMARK OF 703-3085068 VA		\$1630.00/0.00
09/24/2004	US PATENT//TRADEMARK OF 703-3085068 VA		\$856.00/0.00
09/24/2004	US PATENT//TRADEMARK OF ARLINGTON VA		\$335.00/0.00

2510-24
25465-4
25465-4
32475-7
25465-4
2116751
2110-215

